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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,260	07/29/2003	Ian Faye	2674	6687

7590 10/11/2006  
STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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RUTHKOSKY, MARK

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/629,260

Applicant(s)

FAYE ET AL.

Examiner

Mark Ruthkosky

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 1-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/2004</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Election/Restrictions***

Claims 1-20 are directed to an allowable product. Because the claims 21-29 include the allowable subject matter of claim s 1-20, these claims are rejoined and allowed.

### ***Information Disclosure Statement***

The information disclosure statement filed 3/26/2004 has been placed in the application file, and the information referred to therein has been considered as to the merits.

### ***Drawings***

The drawings filed on 7/29/2003 have been approved.

### ***Claim Objections***

Claims 1-29 objected to because of the following informalities: A variety of identifier numbers/letters in parentheses are included in the claims. For example in claim 3, (5,WT1, WT3) is listed in the claim. As these identifiers have no meaning with regard to the claims, the identifiers should be removed. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 requires a “separate heat exchanger.” It is not clear what the heat exchanger is separate from in claims 1 and 10. Claim 11 includes “said separate heat exchanger.” There is no antecedent basis for a “separate heat exchanger” in claim 1.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-29 contain allowable subject matter and will be allowed when the claim objections and rejections under 35 U.S.C. 112 2<sup>nd</sup> are addressed.

The instant claims are to a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises a cooling apparatus for cooling at least one cooling element.

The prior art does not teach a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises

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a cooling apparatus for cooling at least one cooling element. The prior art does not appear to use the temperature the pressure reducing unit to cool a fuel cell cooling element.

The most pertinent prior art includes Kamoshita et al (US 5,041,344), which teaches a fuel cell cooling device that includes a throttle in a cooling line to expand and reduce the pressure of the coolant (see claim 1.) The reference does not teach a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises a cooling apparatus for cooling at least one cooling element. The reference does not use a temperature the pressure reducing unit to cool a fuel cell cooling element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Examiner Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky

Primary Patent Examiner

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9/28/2004